

IC 8-15.7-3

Chapter 3. Formation of an Agreement

IC 8-15.7-3-1

Power to enter into public-private agreement

Sec. 1. Subject to IC 8-15.7-1-5, the department may exercise the powers granted by this article to carry out:

- (1) the development;
- (2) the financing;
- (3) the operation; or
- (4) any combination of the development, financing, and operation;

of all or part of one (1) or more projects through public-private agreements with one (1) or more private entities. The parties to a public-private agreement that relates to a tollway or a project that otherwise charges user fees may exercise any of the powers granted to the party under IC 8-15-3. The department may use the revenues arising out of one (1) project or public-private agreement for all or part of the development, financing, and operation of any part of one (1) or more other projects through public-private agreements with one (1) or more private entities or as otherwise considered appropriate by the department.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-3-2

Powers of operator; regulation of user fees

Sec. 2. An operator has:

- (1) all powers allowed by law generally to a private entity having the same form of organization as the operator; and
- (2) the power to develop, finance, and operate the qualifying project and impose user fees in connection with the use of the qualifying project.

Tolls or user fees may not be imposed by the operator except as set forth in a public-private agreement. User fees and the setting of user fee rates are not subject to supervision or regulation by any commission, board, bureau, or agency of the state or any municipality, other than the department to the extent set forth in the public-private agreement.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-3-3

Acquisition of property interests for qualifying project

Sec. 3. The operator may own, lease, or acquire any property interest or other right to develop, finance, or operate the qualifying project.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-3-4

Establishment of user classifications and enforcement of rules by operator

Sec. 4. In operating the qualifying project, the operator may do the following:

- (1) Make user classifications as permitted in the public-private agreement.
- (2) As permitted in the public-private agreement or otherwise with the consent of the department, make and enforce reasonable rules to the same extent that the department may make and enforce rules with respect to a similar project.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-3-5

Participation by small, minority, women's, disadvantaged, and Indiana businesses

Sec. 5. The department shall establish a program to facilitate participation in qualifying projects by:

- (1) small businesses that qualify for a small business set-aside under IC 4-13.6-2-11;
- (2) businesses certified under IC 4-13-16.5 as a minority business enterprise;
- (3) businesses certified under IC 4-13-16.5 as a women's business enterprise;
- (4) businesses treated as disadvantaged business enterprises under federal or state law; and
- (5) businesses defined under IC 5-22-15-20.5 as Indiana businesses, to the extent permitted by applicable federal and state law and regulations.

As added by P.L.47-2006, SEC.40.